

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE SENATE

SENATE BILL NO. 1155

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 33-2715, IDAHO CODE, TO REVISE TERMS OF OFFICE FOR TRUSTEES OF LIBRARY DISTRICTS; AMENDING SECTION 33-2718, IDAHO CODE, TO REVISE TERMS OF OFFICE FOR TRUSTEES OF LIBRARY DISTRICTS; AMENDING SECTION 39-1330, IDAHO CODE, TO REVISE TERMS OF OFFICE FOR BOARD MEMBERS OF HOSPITAL DISTRICTS; AMENDING SECTION 42-3207, IDAHO CODE, TO REVISE ELECTIONS FOR DIRECTORS OF WATER AND SEWER DISTRICTS; AMENDING SECTION 42-3211, IDAHO CODE, TO REVISE TERMS OF DIRECTORS OF WATER AND SEWER DISTRICTS; AMENDING SECTION 67-4911, IDAHO CODE, TO REVISE TERMS OF OFFICE FOR MEMBERS OF AUDITORIUM DISTRICT BOARDS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-2715, Idaho Code, be, and the same is hereby amended to read as follows:

33-2715. BOARD OF TRUSTEES -- SELECTION -- NUMBER -- QUALIFICATIONS -- TERM -- OATH -- APPOINTMENT OF FIRST BOARD. (1) Each library district shall be governed by a board of trustees of five (5) members elected or appointed as provided by law, who at the time of their selection and during their terms of office shall be qualified electors of the district and if trustee zones have been established under section 33-2718, Idaho Code, shall be a resident of the trustee zone. Trustees shall be elected at each trustee election, held on the uniform election date in May. The regular term of a trustee shall be for ~~six~~ four (64) years, or until his successor has been elected and qualified. Within ten (10) days after his appointment an appointed trustee shall qualify and assume the duties of his office. An elected trustee shall qualify and assume the duties of his office at the annual meeting. All trustees qualify by taking the oath of office required of state officers, to be administered by one (1) of the present trustees or by a trustee retiring.

(2) Following the initial establishment of a library district, the board of county commissioners of the home county within five (5) days shall appoint the members of the first board of trustees, who shall serve until the next election of trustees held in an odd-numbered year or until their successors are elected and qualified in an odd-numbered year. The initial election of trustees shall be for terms of ~~four~~ two (42) years for two (2) trustees and thereafter their terms shall be for ~~six~~ four (64) years, terms of ~~six~~ four (64) years for ~~two~~ three (23) trustees and thereafter their terms shall be for ~~six~~ four (64) years, and a term of ~~two~~ (2) years for one (1) trustee and thereafter the term shall be for ~~six~~ (6) years. Addition of new territory to an existing library district shall not be considered an initial establishment. The first board of trustees shall be sworn by a member of the board of county commissioners of the home county of the district.

1 (3) At its first meeting, and after each trustee election, the board
2 shall organize and elect from its membership a chairman and other officers
3 necessary to conduct the affairs of the district.

4 (4) Members of the board shall serve without salary but shall receive
5 their actual and necessary expenses while engaged in business of the dis-
6 trict.

7 (5) For the purpose of achieving an orderly transition to terms of ~~six~~
8 four (~~64~~) years and to hold trustee elections in odd-numbered years, the
9 following schedule shall be followed:

10 (a) For trustees elected in 2005, their terms shall expire in 2011 and
11 the terms for each of those elected in 2011 shall each be ~~six~~ four (~~64~~)
12 years and thereafter those terms shall be for ~~six~~ four (~~64~~) years;

13 (b) For trustees elected in 2006, their terms shall expire in 2011 and
14 the terms for each of those elected in 2011 shall each be ~~six~~ four (~~64~~)
15 years and thereafter those terms shall be for ~~six~~ four (~~64~~) years;

16 (c) For trustees elected in 2007, their terms shall expire in 2013 and
17 the terms for each of those elected in 2013 shall each be ~~six~~ four (~~64~~)
18 years and thereafter those terms shall be for ~~six~~ four (~~64~~) years;

19 (d) For trustees elected in 2008, their terms shall expire in 2013 and
20 the terms for each of those elected in 2013 shall each be ~~six~~ four (~~64~~)
21 years and thereafter those terms shall be for ~~six~~ four (~~64~~) years;

22 (e) For trustees elected in 2009, their terms shall expire in 2015~~3~~ and
23 the terms for each of those elected in 2015~~3~~ shall each be ~~six~~ four (~~64~~)
24 years and thereafter those terms shall be for ~~six~~ four (~~64~~) years;

25 (f) For trustees elected in 2010, their terms shall expire in 2015~~3~~ and
26 the terms for each of those elected in 2015~~3~~ shall be ~~six~~ four (~~64~~) years
27 and thereafter those terms shall be for ~~six~~ four (~~64~~) years.

28 SECTION 2. That Section 33-2718, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 33-2718. CREATION OF TRUSTEE ZONES. (1) Each library district may be
31 divided into five (5) trustee zones with each zone having approximately the
32 same population. To the maximum extent possible, boundaries of trustee
33 zones shall follow the existing boundaries of the electoral precincts of
34 the county. They shall be revised, as necessary, to equalize population
35 and to follow new electoral precinct boundaries following the publication
36 of the report of each decennial census. In order for a library district to
37 be divided into trustee zones, the board of trustees shall pass a motion
38 declaring the district to be divided into trustee zones and providing a legal
39 description of each trustee zone. The board of trustees shall transmit the
40 motion along with the legal description of the trustee zones to the board or
41 boards of county commissioners in the county or counties where the library
42 district is contained and to the board of library commissioners. The board
43 or boards of county commissioners shall have forty-five (45) days from the
44 receipt of the motion and legal description to reject, by adoption of a mo-
45 tion, the establishment of trustee zones proposed by formal motion of the
46 board of trustees of the library district. If the board or boards of county
47 commissioners do not reject the establishment of the trustee zones within
48 the time limit specified, they shall be deemed to be in full force and effect.
49 If a library district is contained in more than one (1) county, a motion of

rejection adopted by one (1) board of county commissioners shall be sufficient to keep the trustee zone plan from going into effect. A board of county commissioners shall notify the library board of trustees in writing if a proposal is rejected.

(2) If a proposal for the establishment of trustee zones is rejected by a board of county commissioners, the boundaries of the trustee zones, if any, shall return to the dimensions they were before the rejection. Trustee zones may be redefined and changed, but not more than once every two (2) years after a new set of trustee zones are formally established and in full force and effect.

(3) At the next regular meeting of the board of trustees of the library district following the creation of trustee zones, the public library district board shall appoint from its membership or from other qualified electors resident in each trustee zone, a person from that zone to serve as a trustee until the next regularly scheduled trustee election from that zone, which election shall be held in an odd-numbered year. The initial election of trustees for the trustee zones shall be for terms of ~~four~~ two (42) years for two (2) trustees and thereafter their terms shall be for ~~six~~ four (64) years, terms of ~~six~~ four (64) years for ~~two~~ three (23) trustees and thereafter their terms shall be for ~~six~~ four (64) years, and a term of ~~two~~ (2) years for ~~one~~ (1) trustee and thereafter the term shall be for ~~six~~ (6) years, with each zone being assigned an initial term length by a random drawing of the numbers one (1) through five (5).

(4) For the purpose of achieving an orderly transition to terms of ~~six~~ four (64) years and hold trustee elections in odd-numbered years, the following schedule shall be followed:

(a) For trustees elected in 2005, their terms shall expire in 2011 and the terms for each of those elected in 2011 shall each be ~~six~~ four (64) years and thereafter those terms shall be for ~~six~~ four (64) years;

(b) For trustees elected in 2006, their terms shall expire in 2011 and the terms for each of those elected in 2011 shall each be ~~six~~ four (64) years and thereafter those terms shall be for ~~six~~ four (64) years;

(c) For trustees elected in 2007, their terms shall expire in 2013 and the terms for each of those elected in 2013 shall each be ~~six~~ four (64) years and thereafter those terms shall be for ~~six~~ four (64) years;

(d) For trustees elected in 2008, their terms shall expire in 2013 and the terms for each of those elected in 2013 shall each be ~~six~~ four (64) years and thereafter those terms shall be for ~~six~~ four (64) years;

(e) For trustees elected in 2009, their terms shall expire in 2015~~3~~ and the terms for each of those elected in 2015~~3~~ shall each be ~~six~~ four (64) years and thereafter those terms shall be for ~~six~~ four (64) years;

(f) For trustees elected in 2010, their terms shall expire in 2015~~3~~ and the terms for each of those elected in 2015~~3~~ shall be ~~six~~ four (64) years and thereafter those terms shall be for ~~six~~ four (64) years.

SECTION 3. That Section 39-1330, Idaho Code, be, and the same is hereby amended to read as follows:

39-1330. BIENNIAL ELECTION OF BOARD MEMBERS -- TERMS OF OFFICE. On the third Tuesday of May in the next odd-numbered calendar year after the organization of any district, and on the third Tuesday of May every second year

1 thereafter, an election shall be held which shall be known as the biennial
2 election of the district.

3 At the first biennial election in any district hereafter organized and
4 each ~~sixth~~ fourth year thereafter there shall be elected by the qualified
5 electors of the district three (3) members of the board to serve for a term
6 of ~~six~~ four (64) years; at the second biennial election and each ~~sixth~~ fourth
7 year thereafter there shall be elected ~~two~~ four (24) members of the board
8 to serve for a term of ~~six~~ four (64) years; ~~at the third biennial election~~
9 ~~and each sixth year thereafter there shall be elected two (2) members of the~~
10 ~~board to serve for terms of six (6) years.~~

11 Nominations may be filed with the secretary of the board not later than
12 the ~~sixth~~ ninth Friday preceding the election for which the nomination is
13 made, ~~and if a nominee does not withdraw his name before the first publi-~~
14 ~~cation of the notice of election, his name shall be placed on the ballot.~~
15 The county clerk shall provide for holding such elections and shall appoint
16 judges to conduct it; the county clerk shall give notice of election by pub-
17 lication and shall arrange such other details in connection therewith as the
18 board may direct. The returns of the election shall be certified to and shall
19 be canvassed and declared by the board of county commissioners. The candi-
20 date or candidates according to the number of directors to be elected, re-
21 ceiving the most votes shall be elected. Any new member of the board shall
22 qualify in the same manner as members of the first board qualify.

23 In any election for director, if after the deadline for filing a decla-
24 ration of intent as a write-in candidate, it appears that only one (1) quali-
25 fied candidate has been nominated for a director's position, it shall not be
26 necessary for the candidate to stand for election, and the board of directors
27 of the district shall declare such candidate elected as a director, and the
28 secretary of the board of the district shall immediately make and deliver to
29 such person a certificate of election.

30 SECTION 4. That Section 42-3207, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 42-3207. HEARINGS ON PETITIONS -- ELECTION FOR ORGANIZATION AND DI-
33 RECTORS. On the day fixed for such hearing or at any adjournment thereof the
34 court shall ascertain from the tax rolls of the county or counties in which
35 the district is located or into which it extends, the total number of tax-
36 payers within the proposed district, who pay a general tax on real property
37 owned by him or her within the district.

38 If the court finds that no petition has been signed and presented in con-
39 formity with this chapter, or that the material facts are not as set forth in
40 the petition filed, it shall dismiss said proceedings and adjudge the costs
41 against the signers of the petition in such proportion as it shall deem just
42 and equitable. No appeal or writ of error shall lie from an order dismiss-
43 ing said proceedings; but nothing herein shall be construed to prevent the
44 filing of a subsequent petition or petitions for similar improvements or for
45 a similar district, and the right so to renew such proceedings is hereby ex-
46 pressly granted and authorized.

47 Any time after the filing of the petition for the organization of a dis-
48 trict and before the day fixed for the hearing thereon, the owner or owners of
49 any real property within the proposed district may file a petition with the

1 court stating reasons why said property should not be included therein, why
 2 his land or any part thereof will not be benefited by the proposed district,
 3 or should not be embraced in said district and made liable to taxation there-
 4 for, and praying that said property be excluded therefrom. Such petition
 5 shall be duly verified and shall describe the property sought to be excluded.
 6 The court shall conduct a hearing on said petition and shall hear all objec-
 7 tions to the inclusion in the district of any lands described in said peti-
 8 tion. In case any owner of real estate included in said proposed district
 9 shall satisfy the court that his real estate, or any part thereof, has been
 10 wrongfully included therein or will not be benefited thereby then the court
 11 shall exclude such real estate as will not be benefited.

12 Upon said hearing, if it shall appear that a petition for the organiza-
 13 tion of a district has been signed and presented as hereinabove provided, in
 14 conformity with this chapter, and the allegations of the petition are true,
 15 the court shall, by order duly entered of record, direct that the question of
 16 the organization of the district shall be submitted to the qualified elec-
 17 tors of the district.

18 Such election shall be held in conformity with the general election in
 19 this state, including chapter 14, title 34, Idaho Code, except that the court
 20 shall establish as many election precincts within such proposed district
 21 as are deemed necessary, and shall define the boundaries thereof, which
 22 precincts and boundaries may thereafter be changed by the county commission-
 23 ers if the district is organized.

24 At any time after the filing of the petition herein referred to and be-
 25 fore the day fixed for hearing, nominees for the board of directors of the
 26 district may be nominated by the filing of a petition designating the name or
 27 names of the nominee or nominees, signed by at least five (5) qualified elec-
 28 tors of the district. If upon the hearing as herein provided the court shall
 29 order an election for the creation of the district, the court shall also as-
 30 certain the names of persons nominated by the board of directors, and shall
 31 order that the names of persons whom the court finds to have been properly
 32 nominated shall be listed upon a ballot submitted to the electors at such
 33 election. In the event the court makes its order providing for such elec-
 34 tion, it shall prescribe the form of the question and ballot relating to the
 35 creation of the district, and also the form of the ballot relating to the
 36 election of the directors; provided that all matters may be contained upon
 37 one (1) ballot to be submitted to the voters.

38 At such election the voters shall vote for or against the organization
 39 of the district, and for five (5) qualified electors, who shall constitute
 40 the board of directors of the district, if organized, ~~one two~~ (12) directors
 41 to act until the first biennial election, ~~two (2) until the second,~~ and two
 42 ~~(2) until the third~~ second biennial election.

43 The judges of election shall certify the returns of the election to the
 44 district court having jurisdiction. If a majority of the votes cast at said
 45 election are in favor of the organization, the district court shall declare
 46 the district organized and give it a corporate name by which, in all proceed-
 47 ings, it shall thereafter be known, and designated the first board of direc-
 48 tors elected, and thereupon the district shall be a governmental subdivision
 49 of the state of Idaho and a body corporate with all the powers of a public or
 50 quasi-municipal corporation.

1 If an order be entered establishing the district, such order shall be
 2 deemed final and no appeal or writ of error shall lie therefrom, and the entry
 3 of such order shall finally and conclusively establish the regular organiza-
 4 tion of the said district against all persons except the state of Idaho, in an
 5 action in the nature of a writ of quo warranto, commenced by the attorney gen-
 6 eral within thirty (30) days after said decree declaring such district orga-
 7 nized as herein provided, and not otherwise. The organization of said dis-
 8 trict shall not be directly or collaterally questioned in any suit, action or
 9 proceeding except as herein expressly authorized.

10 SECTION 5. That Section 42-3211, Idaho Code, be, and the same is hereby
 11 amended to read as follows:

12 42-3211. ELECTIONS -- TERMS OF OFFICE. (1) On the third Tuesday in May,
 13 in the first odd-numbered year after the organization of any district, and
 14 on the third Tuesday in May every second year thereafter an election shall be
 15 held, which shall be known as the biennial election of the district.

16 (2) In districts created under section 42-3202B, Idaho Code, biennial
 17 elections shall be held on the third Tuesday in May.

18 (3) At the first biennial election in any district hereafter organized,
 19 and each ~~sixth~~ fourth year thereafter, there shall be elected by the quali-
 20 fied electors of the district, ~~one two~~ (12) members of the board to serve for
 21 a term of ~~six~~ four ~~(6)~~ (4) years; ~~at the second biennial election and each sixth~~
 22 ~~year thereafter, there shall be elected two (2) members of the board to serve~~
 23 ~~for terms of six (6) years,~~ and at the ~~third~~ second biennial election, and
 24 each ~~sixth~~ fourth year thereafter, there shall be elected ~~two~~ three ~~(2)~~ (3) mem-
 25 bers of the board to serve for terms of ~~six~~ four ~~(6)~~ (4) years.

26 ~~Not later than 5:00 p.m. on the sixth Friday preceding the election,~~
 27 ~~nominations may be filed with the secretary of the board and if a nominee does~~
 28 ~~not withdraw his name before the first publication of the notice of election,~~
 29 ~~his name shall be placed on the ballot. The county clerk shall conduct the~~
 30 ~~election and shall appoint judges to conduct it. The returns of the elec-~~
 31 ~~tion shall be certified to and shall be canvassed and declared as provided~~
 32 ~~in chapter 14, title 34, Idaho Code. The candidate or candidates, according~~
 33 ~~to the number of directors to be elected, receiving the most votes, shall be~~
 34 ~~elected. Any new member of the board shall qualify in the same manner as mem-~~
 35 ~~bers of the first board qualify.~~

36 In any election for director, if after the deadline for filing a decla-
 37 ration of intent as a write-in candidate, it appears that the number of qual-
 38 ified candidates who have been nominated is equal to the number of directors
 39 to be elected, it shall not be necessary for the candidates to stand for elec-
 40 tion, and the board of directors shall declare such candidates elected as
 41 directors, and the secretary of the district shall immediately make and de-
 42 liver to such persons certificates of election signed by him and bearing the
 43 seal of the district.

44 SECTION 6. That Section 67-4911, Idaho Code, be, and the same is hereby
 45 amended to read as follows:

46 67-4911. ELECTIONS -- TERMS OF OFFICE. On an election date as provided
 47 for in section 34-106(1), Idaho Code, in November of the first odd-numbered

1 year after the organization of any district, and every second year there-
 2 after, an election shall be held, which shall be known as the biennial elec-
 3 tion of the district.

4 At the first biennial election in any district hereafter organized, and
 5 each ~~sixth~~ fourth year thereafter, there shall be elected by the qualified
 6 electors of the district, ~~one two~~ (12) members of the board to serve for a
 7 term of ~~six four~~ (64) years; at the second biennial election and each ~~sixth~~
 8 fourth year thereafter, there shall be elected ~~two three~~ (23) members of the
 9 board to serve for terms of ~~six four~~ (64) years, ~~and at the third biennial~~
 10 ~~election, and each sixth year thereafter, there shall be elected two (2) mem-~~
 11 ~~bers of the board to serve for terms of six (6) years.~~ Provided, a member of
 12 the board once in office shall serve until his successor is elected, quali-
 13 fied and takes office.

14 Not later than 5:00 p.m. on the ~~sixth~~ ninth Friday before any such elec-
 15 tion, nominations may be filed with the secretary of the board ~~and if a nomi-~~
 16 ~~nee does not withdraw his name before the first publication of the notice of~~
 17 ~~election, his name shall be placed on the ballot.~~ The county clerk shall pro-
 18 vide for holding such election and shall appoint judges to conduct it. The
 19 county clerk shall give notice of election by publication, and shall arrange
 20 such other details in connection therewith. Adequate polling places shall
 21 be provided throughout the district boundaries for all elections. The re-
 22 turns of the election shall be certified to and shall be canvassed and de-
 23 clared by the board of county commissioners which shall report the results
 24 to the district. The candidate or candidates, according to the number of di-
 25 rectors to be elected, receiving the most votes, shall be elected. Any new
 26 member of the board shall qualify in the same manner as members of the first
 27 board qualify.

28 In any election for director, if after the deadline for filing a decla-
 29 ration of intent as a write-in candidate, it appears that the number of qual-
 30 ified candidates who have been nominated is equal to the number of directors
 31 to be elected, it shall not be necessary for the candidates to stand for elec-
 32 tion, and the board shall declare such candidates elected as directors, and
 33 the secretary of the board shall immediately make and deliver to such persons
 34 certificates of election signed by him and bearing the seal of the district.

35 SECTION 7. An emergency existing therefor, which emergency is hereby
 36 declared to exist, this act shall be in full force and effect on and after its
 37 passage and approval.